

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LEANN JOHNSON, on behalf of minor
child S.M.S.,

Plaintiff,

v.

MARTIN O'MALLEY, COMMISSIONER
OF SOCIAL SECURITY,¹

Defendant.

No. 1:21-CV-1704-DJC-GSA

ORDER

(ECF Nos. 19, 20, 24)

Plaintiff S.M.S., a minor child by and through his guardian Leann Johnson, initiated this action seeking judicial review of a final decision of the Commissioner of Social Security denying his application for Supplemental Security Income (SSI) pursuant to Title XVI of the Social Security Act. (ECF No. 1). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 9, 2024, the Magistrate Judge filed findings and recommendations recommending that Plaintiff's motion for summary judgment be denied, that Defendant's cross-motion be granted, and that the Commissioner's final decision be

¹ The Court has substituted Martin O'Malley, who has been appointed Commissioner of Social Security, as the defendant in this case. See Fed. R. Civ. P. 25(d)

1 affirmed. (ECF No. 24). The findings and recommendations advised the parties that
2 objections were due within fourteen days. On July 23, 2024, Plaintiff filed objections
3 to the findings and recommendations, which the Court has considered.

4 The Court reviews de novo those portions of the proposed findings of fact to
5 which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp v.*
6 *Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); *see also*
7 *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the
8 proposed findings of fact to which no objection has been made, the court assumes its
9 correctness and decides the matter on the applicable law. *See Orand v. United States*,
10 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are
11 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th
12 Cir. 1983)

13 After reviewing the file, including Plaintiff's objections, the Court finds the
14 findings and recommendations to be supported by the record and by proper analysis.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The findings and recommendations filed July 9, 2024 (ECF No. 24)
17 are ADOPTED IN FULL;
- 18 2. Plaintiff's motion for summary judgment (ECF No. 19) is DENIED;
- 19 3. Defendant's cross-motion for summary judgment (ECF No. 20) is
20 GRANTED;
- 21 4. The Commissioner's final decision is AFFIRMED; and
- 22 5. The Clerk of Court is directed to enter judgment in favor of
23 Defendant Commissioner of Social Security and against Plaintiff.

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25 IT IS SO ORDERED.

26 Dated: **January 31, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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